

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	Chapter 13
Mohammed Q. Khan and	:	
Samina Khan,	:	Case No. 18-bk-00668-RNO
Debtors	:	
	:	
Mohammed Q. Khan and	:	Objection to Notice of Postpetition
Samina Khan,	:	Mortgage Fees, Expenses and Charges
Movants	:	
	:	
v.	:	
	:	
U.S. Bank Trust, N.A. as	:	
Owner Trustee for Carisbrook Asset	:	
Holding Trust,	:	
Respondent	:	
	:	

OBJECTION TO NOTICE OF POSTPETITION
MORTGAGE FEES, EXPENSES AND CHARGES

The Debtors, by and through their attorney, Philip W. Stock, object to Respondent's Notice of Postpetition Mortgage Fees, Expenses and Charges for the following reasons:

1. On February 21, 2018, Debtors filed their Petition for Relief under Chapter 13 of the Bankruptcy Code;
2. U.S. Bank Trust, N.A. as Owner Trustee for Carisbrook Asset Holding Trust (U.S. Bank) is a lending institution with a principal office located at 300 East Delaware Avenue, Wilmington, DE 19809;
3. Debtors' primary residence is secured by a mortgage held by U.S. Bank;
4. On March 1, 2018, Debtors filed their Chapter 13 Plan;
5. Debtors' Chapter 13 Plan estimated the mortgage arrearage regarding U.S. Bank's mortgage to be \$15,000.00;
6. However, Debtors' Plan was funded to the extent that they could pay a mortgage arrearage of up to, approximately, \$16,000.00;

7. On March 30, 2018, U.S. Bank filed its Proof of Claim which sets forth a mortgage arrearage in the amount of \$15,772.69;
8. On April 12, 2018, U.S. Bank filed an objection to Debtors' Plan because of the difference between the estimated mortgage arrearage in Debtors' Plan and the amount set forth in U.S. Bank's Proof of Claim;
9. On May 14, 2018, U.S. Bank filed a Notice of Postpetition Mortgage Fees, Expenses and Charges (Notice);
10. The Notice sets forth the following fees:

Notice	\$100.00
Proof of Claim	350.00
Proof of Claim Fee	250.00
File Objection	500.00
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Total	\$1,200.00

11. U.S. Bank's objection to the Plan was unnecessary since the arrearage claim would have been paid, in full, if Debtor's Plan had been confirmed by the Court;
12. Since the objection to the Plan was unnecessary then, it follows that the fees associated with the filing of the objection (\$500.00) are inappropriate;
13. Moreover, Debtors believe and therefore, aver that all of the fees listed by U.S. Bank in its Notice are improper since Act 6 and Act 91 preclude the charging of such fees against Debtors when the mortgage is against Debtors' primary residence;

WHEREFORE, Debtors request that your Honorable Court issue an Order sustaining their Objection to the Notice of Postpetition Mortgage Fees, Expenses and Charges. Furthermore, Debtors request that your Honorable Court issue an Order finding that the appropriate amount for the postpetition mortgage fees, expenses and charges is zero.

Date: 06/14/18

/s/Philip W. Stock
Philip W. Stock
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